

1 Amend 2 Cal. Code Regs. section 18361.7 to read:

2 **§ 18361.7. Executive Director Subpoena Authority.**

3
4 Notwithstanding 2 Cal. Code Regs. section 18319:

5
6 (a) The Executive Director ~~shall have~~ has the authority to issue ~~a subpoenas~~ subpoena on
7 behalf of the Commission pursuant to Government Code ~~S~~sections 83118 and 11510.

8 The Executive Director ~~shall not~~ may authorize the issuance of a subpoena duces tecum
9 ~~unless~~ if he or she finds, based on information submitted to him or her in writing, that the
10 information requested in the subpoena is material to a specific matter ~~then~~ under

11 investigation; and ~~that there is reason to believe that~~ the Executive Director reasonably
12 believes the person or entity ~~to be subpoenaed~~ has the desired information under ~~their~~ its
13 control. ~~The Executive Director may delegate in writing his or her authority under~~
14 ~~Regulation 18361.1 to issue subpoenas only to the General Counsel or Chief of the~~
15 ~~Enforcement Division and then only when the Executive Director believes he or she~~
16 ~~cannot be fair or impartial with respect to a particular matter or when he or she will be~~
17 ~~away from the offices of the Commission.~~

18 ~~(b) The Executive Director may delegate in writing any other authority under~~
19 ~~regulations 18361.1 through 18361.8 only to the General Counsel and then only when the~~
20 ~~Executive Director believes he or she cannot be fair or impartial with respect to a~~
21 ~~particular matter or when he or she will be away from the offices of the Commission.~~

22
23 NOTE: Authority cited: Section 83112, Government Code.

24 Reference: Sections 83115, 83115.5 and 83116, Government Code.